

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 502
Title 14, California Code of Regulations
Re: Waterfowl, Migratory; American Coot; and
Common Moorhen (Common Gallinule)

I. Date of Initial Statement of Reasons: May 9, 2005

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing:	Date:	June 24, 2005
	Location:	Bishop

(b) Adoption Hearing:	Date:	August 19, 2005
	Location:	San Luis Obispo

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The U.S. Fish and Wildlife Service (Service) annually establishes federal regulation “frameworks” in August after they analyze current waterfowl population data and gather input from the public. These “frameworks” stipulate the earliest waterfowl hunting seasons can open, the maximum number of days hunting can occur, the latest hunting seasons must close, and the maximum daily bag limit, among other things. States must set waterfowl hunting regulations within the federal frameworks.

States may make recommendations to change federal framework regulations. These recommendations are made to Flyway Councils during March and July. The Councils may elect to forward these to the Service. The Service may elect to incorporate proposed changes in the “framework” regulations. For most waterfowl hunting season regulations, the Service establishes the “framework” regulations in late July or early August at a public meeting however the publication of these decisions in the Federal Register does not occur until later in the month. California has made three proposals to change federal frameworks.

Sections 202, 355 and 356 of the Fish and Game Code authorize the Fish and Game Commission to annually adopt regulations pertaining to the hunting of

migratory birds that conform with, or further restrict, the regulations prescribed by the Service pursuant to their authority under the Migratory Bird Treaty Act. The Fish and Game Commission selects and establishes in state regulations the specific hunting season dates and daily bag limits within the federal frameworks.

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. Five changes are currently proposed for Section 502. Items 1, 3, and 4 require Flyway Council and Service approval pursuant to the process described above. Item 5 is proposed to provide notice that the framework regulations may change in 2005.

The five proposed changes are:

1. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area during the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose hunting season. The proposed change would eliminate the Special Management Area and allow the take of Canada geese during the Balance of State Zone goose hunting season. The Special Management Area was established in 1975 to protect migrating Aleutian Canada geese. The Aleutian Canada goose population has grown from about 800 birds in 1976 to nearly 65,000 in 2004. The Aleutian Canada goose was listed as Endangered until 1991 and was removed from the list of Threatened species in 2001. The Aleutian Canada goose population is above its management plan population objective and no longer needs special harvest restrictions.

2. Remove the Imperial County Special Management Area and eliminate the special hunting season for white geese.

The existing regulations in 502(b)(5)(A)7. and 502(d)(5)(D)7. describe the Imperial County Special Management Area and allows the white goose hunting season dates to be extended in that area within the Southern California Zone. The proposed change would eliminate the Special Management Area and no longer allow the take of white geese beyond the regular goose season dates for that zone. The Special Management Area was established in 2002 to decrease depredation on agricultural crops in the area. Since the creation of the special management area, white goose distribution has changed and the Special Management Area is no longer needed.

3. Increase the white goose daily bag limit in all zones from 3 to 4; which results in an increase in the overall goose daily bag limit in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.

The existing regulation allows the take of 3 white geese per day in these zones. Ross' geese and lesser snow geese populations (considered as white geese in the regulations) in the Pacific Flyway are at or above population goals. The increase in the daily bag limit is intended to increase the harvest of white geese and allow additional hunting opportunity.

4. Increase the Small Canada goose daily bag limit to 4 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.

The existing regulation allows the take of 2 Small Canada geese only in the North Coast Special Management Area and 1 Small Canada goose in all zones. The increase in the daily bag limit is intended to increase the harvest of Aleutian Canada geese. Aleutians are now feeding primarily during the spring on privately-owned pastures in Humboldt and Del Norte counties. Private landowners are concerned that unimpeded population growth of Aleutian Canada geese is affecting the amount of grass available for livestock. The Aleutian Canada goose population has grown from about 800 birds in 1976 to nearly 65,000 in 2004. The Aleutian Canada goose was listed as Endangered until 1991 and was removed from the list of Threatened species in 2001. The proposed change is intended to slow or eliminate population growth in order to reduce depredation and allow for more hunting opportunity.

5. Provide a range of season lengths (which may be split into two segments) between 0 and 107 days for the general duck season and 0 and 100 days for the general goose season. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. There are no anticipated or proposed changes to the goose daily bag limit in the Southern California and Colorado River zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. In addition, regulations for black brant are expected to become more restrictive. Winter counts in 2004-05 were low enough to trigger harvest restrictions as identified in the Flyway Management Plan. See table in the Informative Digest for season and bag limit ranges.

The existing waterfowl hunting regulations establish specific season dates and daily bag limits for each zone. This proposal provides ranges for the

season dates and daily bag limits. These ranges are necessary as the specific opening and closing dates and daily bag limits can not be proposed until the California Breeding Pair Survey is conducted in late April and May and the Service has established federal regulation “frameworks” for the 2005/06 waterfowl hunting season and considered proposals from the Pacific Flyway Council regarding special management area and goose bag limit changes. The Service will establish the frameworks in late July after the analysis of current waterfowl population survey, other data, and input from the Flyway Councils and the public.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 355 and 356, Fish and Game Code.

Reference: Sections 355 and 356, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

2005 Draft Environmental Document Migratory Game Bird Hunting

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. These proposed changes would generally simplify existing hunting regulations and/or provide additional hunting opportunities. Because the affected waterfowl populations are at high levels, most affected constituents would view these as positive regulatory changes.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

1. Increase the Small Canada goose daily bag limit to 3 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.
2. Propose a 86 day continuous season for waterfowl and a duck daily bag limit of 7 in all zones.
3. Eliminate hunting in Morro Bay in response to recommendations from the public. Prohibiting hunting in Morro Bay eliminates hunting opportunity, is not biologically necessary and numerous

adjustments by hunters, such as an 8:00 a.m. hunt time, have been made in the recent past.

(b) No Change Alternative:

1. The No Change Alternative would keep the Sacramento Valley (East) Special Management Area and continue to prohibit the take of Canada geese in that area throughout the Balance of State Zone goose season. Continuing with the Sacramento Valley (East) Special Management Area is an unnecessary restriction, does not allow maximum hunting opportunity and continuing population growth of Aleutians would lead to greater depredation complaints on the northwest coast of California in the spring.
2. The No Change Alternative would keep the Imperial County Special Management Area. Continuing with the Imperial County Special Management Area could lead to over-harvest of the white geese that continue to winter in this area.
3. The No Change Alternative would not increase the white goose daily bag limit from 3 to 4 in all zones. Continuing with the current daily bag limit is an unnecessary restriction and does not allow maximum hunting opportunity.
4. The No Change Alternative would not increase the Small Canada goose daily bag limit to 4 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. Continuing with the current daily bag limit is an unnecessary restriction, does not allow maximum hunting opportunity and continuing population growth of Aleutians would lead to greater depredation complaints on the northwest coast of California in the spring.
5. The No Change Alternative would keep the existing season lengths and dates and daily bag limits for waterfowl in all zones. The California Breeding Pair Survey has not been completed and analyzed and the federal frameworks have not been set. Dramatic changes in the existing regulations could result if specific dates and bag limits are proposed before the above items are completed.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative

considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of

Division 4: None.

(h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed regulations in California. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Three (items 1, 3, and 4) of the five proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 20, 2005. The Service will consider these and other recommendations at their meeting on July 27-28, 2005. Item 5 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation "frameworks" which occurs in late July after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

1. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.
2. Remove the Imperial County Special Management Area and eliminate the special hunting season for white geese.
3. Increase the white goose daily bag limit in all zones from 3 to 4; which results in an increase in the overall goose daily bag limit in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.
4. Increase the Small Canada goose daily bag limit to 4 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.
5. Provide a range of season lengths (which may be split into two segments) between 0 and 107 days for the general duck season and 0 and 100 days for the general goose season. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. There are no anticipated or proposed changes to the goose daily bag limit in the Southern California and Colorado River zones.

Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. In addition, regulations for black brant are expected to become more restrictive. Winter counts in 2004-05 were low enough to trigger harvest restrictions as identified in the Flyway Management Plan. See the following table.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
	Black Brant	15 day or 18 day split season	2/day. Possession limit double the daily bag
Northeastern Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	3-4/ day, up to 3-4 white geese, up to 2 white-fronts, up to 2 Large Canada geese, up to 1-4 Small Canada geese. Possession limit double the daily bag.
Southern San Joaquin Valley Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	3-4/ day, up to 3-4 white geese, up to 3 white-fronts, up to 3 Large Canada geese, up to 1-4 Small Canada geese. Possession limit double the daily bag.
Colorado River Zone	Ducks	Between 38 & 101 days	4-7/day, no more than 3-7 mallards, no more than 2 hen mallards or Mexican-like ducks, 1-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 101 days	
	Canvasback	Between 0 & 101 days	
	Geese	101 days	6/ day, up to 3-4 white geese, up to 3 dark geese. Possession limit double the daily bag.
Southern California Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	5/day, up to 3-4 white geese, up to 3 white-fronted geese, up to 3 Large Canada geese, up to 3 Small Canada geese. Possession limit double the daily bag.
Balance of State Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	3-4/ day, up to 3-4 white geese, up to 3 white-fronts, up to 3 Large Canada geese, up to 1-4 Small Canada geese. Possession limit double the daily bag.
SPECIAL AREA REGULATIONS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Between 0 & 100 days	2-4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
YOUTH HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY TAKE OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 6
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 106 days	